

BELL, SELTZER, PARK & GIBSON

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
1211 EAST MOREHEAD STREET
P.O. DRAWER 34000
CHARLOTTE, N.C. 28234
704-331-6000
FACSIMILE 704-334-8014

INTELLECTUAL PROPERTY LAW
PATENTS, TRADEMARKS, COPYRIGHTS
& TRADE SECRETS LICENSING
ANTITRUST, UNFAIR TRADE PRACTICES
TECHNOLOGY AND COMPUTER LAW

RESEARCH TRIANGLE AREA OFFICE
300 UCC PLAZA
3005 GLENWOOD AVENUE
N.C. DRAWER 2007
RALEIGH, N.C. 27602
919-400-8300
FACSIMILE 919-881-3170
TELEX 97-2000
CABLE CHARTER

September 23, 1994

EXHIBIT H

SN 08/259,413

Via Facsimile

Theresa A. Brown, Esqs.
Senior Patent Attorney
Synergen, Inc.
1885 33rd Street
Boulder, Colorado 80301-2546

Re: U.S. Patent Application Serial No. 08/259,413
Filed June 16, 1994 and Entitled Pegylation Reagents
and Compounds Formed Therewith;
Your Ref: SYNE-210C - Our Ref: 4848-4

Dear Theresa:

We have received a copy of your correspondence to Dr. Harris of August 23, 1994, requesting that Dr. Harris execute a joint declaration and power of attorney directed to the above identified proposed patent application (the "CIP"). As we are informed, Synergen filed the proposed CIP in the U.S. Patent and Trademark Office on June 16, 1994 and the application has been assigned U.S. Serial Number 08/259,413.

Please be assured that we are committed to working with Synergen and have every desire to cooperate with Synergen for mutual success. However, in our opinion, the CIP as proposed is not in the best interests of either Synergen or Shearwater.

As we have discussed in the past, Dr. Harris and we at the firm have some concerns about the proposed CIP application. One such concern is that the proposed CIP claims inventions that are claimed in previously filed applications of different inventive entities, and these applications are not commonly owned. Priority claims based upon these previously filed and separately owned applications do not overcome conflicts where the same invention is being claimed.

Post Available Copy

BELL, SELTZER, PARK & GIBSON

Theresa A. Brown, Esqs.

September 23, 1994

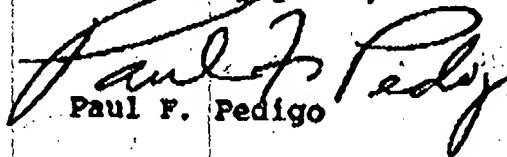
Page 2

In our opinion, the claims in the CIP should be limited solely to joint inventions of Dr. Harris and Synergen inventors. Sole inventions not claimed in previously filed applications should be claimed in separate applications. Claims of the joint inventive entity should be patentably distinct from the subject matter disclosed in Synergen's and Shearwater's previously filed and separately owned applications. The previous separately owned applications of Synergen and Shearwater and Synergen's PCT international application, PCT/US92/02122, which was published on October 1, 1992, which is more than one year before the filing date of June 16, 1994 of the proposed CIP, are all prior art documents to be applied against any joint claims for whatever the documents disclose.

Please do not hesitate to contact us if you have questions or comments on the above matters.

Best regards.

Very truly yours,


Paul F. Pedigo

PPF:gr:154370

cc: J. Milton Harris, Ph.D.